

Remarks

The undersigned again appreciates the Examiner's taking the time to discuss this case. The remarks presented herein reflect the issues discussed in requesting reconsideration of the rejected claims. The Examiner is invited to telephone the undersigned at the number below if there are any further issues to discuss or any further elaboration necessary.

Claims 6-17 are rejected under 35 U.S.C. 102(a) as allegedly being anticipated by Bolte.

Claims 6-10 and 16-17

These claims require that the curing of the hot melt to a non-tacky coating is done solely by exposing the coated substrate to electromagnetic radiation having a wavelength  $\lambda \leq 500$  nm.

Bolte reveals, at column 21, lines 50-68, that atmospheric oxygen has an inhibitory effect on the polymerisable melt composition, resulting in soft and sticky short-chain polymerisates on the surface. At column 21, lines 58 and 59, Bolte states that "it is thus necessary for the curing, i.e., the polymerisation stage to occur within an inert atmosphere". Consequently, Bolte teaches that it is necessary to apply both radiation and an inert atmosphere to cure the composition to a non-tacky coating.

Under normal ambient conditions, about 18% oxygen is present in the air. Oxygen shows a high reactivity with other elements. For that reason, the curing reaction of a coating according to Bolte is inhibited by oxygen when the curing takes place within the air normally present in the room. Therefore, an inert atmosphere has to be created to obtain a non-sticky surface. This thus requires an extra step in the curing method. An inert atmosphere can be created by employing inert gases, such as nitrogen or carbon dioxide, or by applying water as a protective layer, see Bolte column 21, lines 60 and 64-66.

The process claimed in the current pending claims (filed March 17, 2003), on the other hand, concerns a process in which curing to a non-tacky coating is performed solely by applying radiation. Hence, although the claims could include a step of subjecting the coating to an inert atmosphere, they cannot include it for the purpose of curing, as required in Bolte. In fact, a benefit of the claimed process is that one does not have to take extra steps to obtain a non-tacky coating.

The composition described in the present application cures to a non-tacky coating by radiation only. This is a quality, or feature, or characteristic, of the composition. The compositions described by Bolte do not have this characteristic. Bolte's compositions suffer from atmospheric oxygen inhibition and cure to a tacky coating in a normal atmosphere, see Bolte column 21, lines 50-55.

In accordance with the above discussion, since Bolte requires an extra step of creating an inert atmosphere to properly cure the composition and such extra step for curing the composition is excluded by the claims, Bolte does not teach and, thus, cannot anticipate the claimed invention.

#### Claims 11-15

Claims 11-15 are also patentably distinguishable from Bolte. In these claims, the application temperature is very low, in the range from 40 to 90°C, while the application temperature in Bolte is +100-220°C. See, Col. 28, II. 46-47, and col. 29-30, Table 4. Accordingly, Bolte simply does not teach application temperatures which are not greater than 100°C, as in the claimed invention. Hence, claims 11-15 cannot be anticipated by Bolte.

#### The Rejection is made under 102

As a final matter, it is noted that the rejection is made under 102, not 103. The Office Action makes a contention based on 103 (obviousness) reasoning. Specifically, with respect to the application temperature recited in claims 11-15, it is stated that "changes in temperature or concentration are not patentable modifications unless ranges claimed produce new and different results which are

different in kind and not degree." This is the basis for a rejection under 103, not 102. If it were intended that the rejection be made under 103, then a substitute Office Action is respectfully requested. It is, however, noted that any rejection under 103 would be overcome because Bolte teaches away from an application temperature which is not greater than 100°C.

Respectfully submitted,



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